

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 202101658	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/01/2020 12:00 PM	Location of Incident: 10th Avenue and West 24th Street	Precinct: 10	18 Mo. SOL 5/1/2022	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 03/02/2021 2:42 PM	CV Reported At: Mayor's Office	How CV Reported: E-mail	Date/Time Received at CCRB Wed, 03/03/2021 8:19 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Uhl	31803	953507	F.T.S.
2. SGT Michael Kurek	03171	936893	F.T.S.

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DC John Dadamo	00000	913627	SRG
2. LT Kirk Anderson	00000	923507	SPL TRN
3. INSP Brian McGinn	00000	910284	P S B

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Uhl	Force: Police Officer Robert Uhl used physical force against § 87(2)(b)	
B.SGT Michael Kurek	Force: Sergeant Michael Kurek used physical force against § 87(2)(b)	
C.POM Robert Uhl	Abuse: Police Officer Robert Uhl damaged § 87(2)(b)'s property.	

Case Summary

On March 2, 2021, § 87(2)(b) a reporting non-witness, filed this complaint on behalf of § 87(2)(b).

On November 1, 2020, at approximately 12:00 p.m., § 87(2)(b) was a part of a demonstration in the vicinity of West 24th Street and 10th Avenue in Manhattan. During the protest, Sgt. Michael Kurek and PO Robert Uhl of the Firearms and Tactics Section allegedly pushed § 87(2)(b) to the ground (**Allegation A and B: Force, § 87(2)(g)**). PO Uhl allegedly damaged § 87(2)(b)'s clothing as a result (**Allegation C: Abuse of Authority, § 87(2)(g)**).

The investigation is in possession of BWC, TARU and cell phone footage. However, none of the BWC videos captured the incident (Board Review 09).

Findings and Recommendations

Allegation (A) Force: Police Officer Robert Uhl used physical force against § 87(2)(b)

Allegation (B) Force: Sergeant Michael Kurek used physical force against § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Robert Uhl damaged § 87(2)(b)'s property.

In her CCRB statement, § 87(2)(b) stated that she does not have an NYPD press pass, and her National Press Association badge was in her bag during this incident (Board Review 01). § 87(2)(b) was with a group of demonstrators in the vicinity West 24th Street and 10th Avenue when an automated police message instructed people to get on the sidewalk. § 87(2)(b) took photos of the officers while she moved towards the sidewalk. The other protestors also moved onto the sidewalk. After approximately two minutes of the automated message being played and as § 87(2)(b) stepped onto the sidewalk, an officer (identified via the investigation as Sgt. Kurek) grabbed her right upper arm and then another officer (identified via the investigation as PO Uhl) grabbed her upper and mid back. PO Uhl pushed § 87(2)(b) forward and tore the back of § 87(2)(b)'s jacket. Neither Sgt. Kurek nor PO Uhl said anything to § 87(2)(b). § 87(2)(b) did not do anything physically when the officers grabbed her. Officers subsequently handcuffed § 87(2)(b) on the ground and then stood her up. § 87(2)(b) was released with a summons, but stated that her charges were dismissed.

§ 87(2)(b)'s statement in an article posted on the § 87(2)(b) was consistent with her CCRB interview (Board review 06).

On the date of incident, DC McGinn was the Special Event Inspector of Patrol Borough Manhattan South (Board Review 02 and 03). DC McGinn did not recall when he joined the officers at the protest on November 1, 2020, but he recalled an automated announcement made to clear the street in the vicinity of West 24th Street and 10th Avenue. The announcement also stated that people would be charged if they did not get out of the street. DC McGinn stated that most protestors did not clear the street. At some point, DC McGinn told the supervisors on the scene to make arrests if people were still on the street. DC McGinn did not recall if he pointed at any specific civilians for officers to arrest, but he stated he “probably” did. DC McGinn did not recall if he gave any instructions or commands to any civilians on the scene. DC McGinn did not recognize § 87(2)(b) from photos or the videos that were shown during his CCRB interview. DC McGinn also did not recall the incident captured in the videos.

In his CCRB statement, PO Uhl stated that after multiple automated announcements, an inspector (identified via the investigation as DC McGinn) pointed to a female (identified via the investigation as § 87(2)(b)) on the street and instructed PO Uhl and Sgt. Kurek to arrest her (Board Review 04). PO Uhl and Sgt. Kurek approached § 87(2)(b). § 87(2)(b) ran in the opposite direction. Once PO Uhl and Sgt. Kurek caught up to § 87(2)(b), PO Uhl wrapped his arms around her. PO Uhl did not recall

if he or Sgt. Kurek grabbed § 87(2)(b) first. He did not recall where they were when they grabbed her. Once PO Uhl wrapped his arms around § 87(2)(b)'s shoulders or upper arms, she stopped running. Almost immediately after grabbing § 87(2)(b) an unknown civilian grabbed § 87(2)(b) and attempted to pull her away from the officers. PO Uhl and § 87(2)(b) fell to the ground as a result. Once on the ground, PO Uhl placed § 87(2)(b)'s arms behind her back and another officer handcuffed her. PO Uhl denied pushing or pulling § 87(2)(b) to the ground nor did he see any other officer push or pull her down to the ground. PO Uhl did not intend for her to be brought to the ground. PO Uhl did not see whether § 87(2)(b)'s jacket was torn or damaged as a result. PO Uhl did not hear § 87(2)(b) complain of her jacket being torn.

§ 87(2)(g) Sgt. Kurek stated that when he initially attempted to grab § 87(2)(b) after DC McGinn instructed him to arrest her, § 87(2)(b) ran towards the sidewalk (Board Review 05). Sgt. Kurek grabbed § 87(2)(b)'s wrist as she was on the sidewalk. As Sgt. Kurek grabbed § 87(2)(b)'s wrist, a couple of civilians from the crowd pulled § 87(2)(b) away from Sgt. Kurek. As the civilians pulled § 87(2)(b) § 87(2)(b) fell on the ground and an officer fell with § 87(2)(b). Sgt. Kurek did not recall intentionally bringing § 87(2)(b) down to the ground and did not see officers do so. Sgt. Kurek did not recall seeing any damage to § 87(2)(b)'s clothing or § 87(2)(b) complaining that her clothing was damaged. Sgt. Kurek did not recall tackling or pushing § 87(2)(b).

At 00:00 of the video footage posted on § 87(2)(b) DC McGinn appears to be pointing towards the front (Board Review 08). Sgt. Kurek and PO Uhl subsequently runs in that direction. At 00:02, an automated announcement says, "If you remain in the roadway and refuse to use the available sidewalk you will be subject to arrest." At 00:08, it appears that § 87(2)(b) is running towards the sidewalk. Sgt. Kurek then grabs § 87(2)(b). However, due to the angle of the video, it is unclear where Sgt. Kurek makes contact on § 87(2)(b)'s body. At 00:10, an individual wearing a black hooded sweatshirt approaches § 87(2)(b) and appears to pull § 87(2)(b) away from the officers. At 00:11, PO Uhl appears to make contact somewhere on § 87(2)(b)'s body, but it is unclear due to the angle. At 00:13, it appears that § 87(2)(b) and PO Uhl falls behind a vehicle.

TARU footage and video footage provided by § 87(2)(b) captured the same incident as the above video and does not provide any additional clarity on what occurred (Board Review 10).

The investigation requested for § 87(2)(b)'s summonses from IAB, but was informed that there were no summonses issued to § 87(2)(b) (Board Review 11 and 12).

A search of the Booking and Disposition System (BADS) indicated that § 87(2)(b) was not arrested during this incident.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one CCRB complaint and has not been named a victim in the other complaint.
 - § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Sgt. Kurek has been a member of service for 17 years and has been a subject in three complaints and four allegations, none of which substantiated. § 87(2)(g)
- PO Uhl has been a member of service for 9 years and has been a subject in three other complaints and eight allegations
 - 201301777 involved substantiated allegations of a stop and entry/search. The Board recommended charges and the NYPD reprimanded the officer.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim request was sent on January 14, 2022. To date, the results are pending.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 8

Investigator:	Patrick Yu Signature	IM Patrick Yu Print Title & Name	01/19/2022 Date
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Squad Leader:	Signature	Print Title & Name	Date
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Reviewer:	Signature	Print Title & Name	Date
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